



C.R..P.(MD).No.1998 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)No.1998 of 2025
and
CMP (MD) No.11534 of 2025

E.Kiruthika

... Petitioner(s)

Vs.

1. M.Janagarajan

2. J.Senthamilselvi

3. J.Premalatha

... Respondents

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to call for the records relating to the Fair and Decreetal order passed in I.A.No.87 of 2025 in O.S.No.10 of 2025 dated 20.06.2025 on the file of the Additional District Munsif Court, Thanjavur and set aside the same.

For Petitioner : Mr.S.Kanagarajan

For Respondents : M/s.A.Zubaitha Banu
for M/s.Talaw office



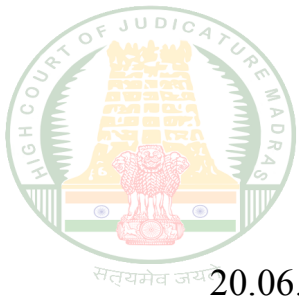
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ORDER

This Civil Revision Petition is filed challenging the fair and decreetal order passed in I.A.No.87 of 2025 in O.S.No.10 of 2025, dated 20.06.2025, on the file of the Additional District Munsif Court, Thanjavur.

2. The plaintiff in O.S. No. 10 of 2025, the petitioner herein, filed a suit seeking a permanent injunction to prevent the respondents from interfering with their peaceful possession and enjoyment of the suit properties. During the pendency of the suit, defendants 1 to 3 were set ex parte on 09.06.2025. Prior to this, these defendants had filed I.A. No. 87 of 2025 under Order XXVI Rule 9 of the Code of Civil Procedure, seeking the appointment of an Advocate Commissioner to inspect the property with the assistance of a qualified surveyor. The trial court allowed this application on 20.06.2025. This civil revision petition is filed on the sole ground that as the defendants were set ex parte on 09.06.2025, they were not entitled to pursue the appointment of an Advocate Commissioner through I.A. No. 87 of 2025. Nevertheless, the trial court erroneously allowed the application on



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20.06.2025 without setting aside the ex parte order. By an order dated 27.05.2025, this Court directed the Additional District Munsif Court, Thanjavur, to submit a report confirming whether defendants 1 to 3 were set ex parte in O.S. No. 10 of 2025. In response, the learned Additional District Munsif submitted a letter dated 05.08.2025, clarifying that orders on I.A. No. 87 of 2025 were reserved on 09.06.2025 and inadvertently allowed on 20.06.2025 without setting aside the ex parte order. Subsequently, the defendants filed I.A. No. 232 of 2025 along with their written statement, which was allowed on 21.07.2025. The suit is now scheduled for framing issues on 06.08.2025. The learned Judge has tendered an apology for the erroneous proceedings in I.A. No. 87 of 2025.

3. In the light of the inadvertent error committed by the learned Additional District Munsif, the impugned order dated 20.06.2025 in I.A. No. 87 of 2025 is hereby set aside and I.A. No. 87 of 2025 is remanded to the trial court. The trial court is directed to dispose of I.A. No. 87 of 2025 after providing a fair opportunity to both the petitioner/plaintiff and the respondents/defendants to present their case.



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4. The civil revision petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

07.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PKN

To

1. The Additional District Munsif Court, Thanjavur.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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